IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.291 OF 2004
IN
SUMMARY SUIT NO.989 of 2003

M/s.Grasim Industries Limited Plaintiff

versus

M/s.Jeevat Construction Defendants

None for plaintiff.

Mr.Uday Shankar Samudrala, adv. for defendants

CORAM : S.C.DHARMADHIKARI, JJ.

DATE : 18th February 2005

PC :

1. None appears for the plaintiff. None appeared yesterday as well. Mr.Samudrala points out that there is an obvious error in the description of defendants in the plaint and the summons for judgement. Defendant no.2 as shown in the summons of judgement is not arrayed as defendant in the plaint. There is an error in the address of first defendant as well. This summons for judgement is, therefore, liable to be dismissed on this ground alone. However, it will be open for the plaintiffs to take out a fresh

summons for judgement after making necessary amendments to the plaint.

2. After this order was delivered, learned counsel appearing for the plaintiff mentioned the matter at 4.45 p.m. and prayed for withdrawal of the Summons for Judgement. Leave to withdraw the Summons for Judgement granted with liberty as above. The learned advocate for defendant has no objection to this course of action.

(S.C.DHARMADHIKARI, J.)